

C.J.'s Court

Civil Contempt Petition No. 239 of 2002

Hridesh Kumar

.....

Petitioner

Versus

A.K. Ray and another

.....

Respondents

Hon. A. A. Desai, C. J.

Hon. Irshad Hussain, J.

Heard Sri B.S.Khanka, learned counsel for the petitioner and Sri Manoj Tiwari, standing counsel for the respondent.

The petitioner is a Pharmacist working in the respondent corporation. From Banbasa, he was transferred on 3rd September, 2002 to Sikkim. He approached to this Court challenging the order of transfer. This Court on 10.09.2002 granted status quo. The petitioner has filed the instant contempt proceedings mainly alleging that after the order of status quo, he was allowed to sign attendance register only upto 13th September, 2002. Thereafter he was prevented. Therefore, the respondent no.1 has committed contempt by willfully disobeying the order of this Court.

It is revealed in the counter that after service with the order of transfer, the petitioner has absented himself from duties. He was relieved from the post at Banbasa on 04.09.2002 and thereafter, it was communicated to him on 05.09.2002. In view of these events, the order of status quo will not entitle the petitioner to continue in the place of transfer. Hence, there is no disobedience or violation of the order of status quo either willfully or otherwise by the respondent. Hence, the contempt proceedings are dropped as dismissed.

List the main petition for final hearing after fifteen days.

(M.M. Ghildiyal, J.) (A.A. Desai, C.J.)

Dt. 20.11.2002

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